

December 14, 2018
APAAC Training Room
Phoenix, Arizona



EXTENDED JUVENILE JURISDICTION: CHARGING, IMPLEMENTATION & CHALLENGES

Presented by:

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Distributed by:

ARIZONA PROSECUTING ATTORNEYS' ADVISORY COUNCIL
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ELIZABETH ORTIZ
EXECUTIVE DIRECTOR

EXTENDED JURISDICTION

Charging, Implementation & Challenges

Beth Beringhaus
Maricopa County Attorney's Office
Juvenile Division



Dear Past,
thank you for
all the lessons.
Dear Future,
I'm now ready.

QUOTEDIARY.COM

ARS 8-202 (H)

- H. If the state files a notice of intent to retain jurisdiction when proceedings are commenced pursuant to section 8-301, paragraph 1 or 2, the court shall retain jurisdiction over a juvenile who is at least seventeen years of age and who has been adjudicated a delinquent juvenile until the juvenile reaches nineteen years of age, unless before the juvenile's nineteenth birthday either:
 - 1. Jurisdiction is terminated by order of the court.
 - 2. The juvenile is discharged from the jurisdiction of the department of juvenile corrections pursuant to section 41-2820.
- I. Persons who are under eighteen years of age shall be prosecuted in the same manner as adults if either:
 - 1. The juvenile court transfers jurisdiction pursuant to section 8-327.
 - 2. The juvenile is charged as an adult with an offense listed in section 13-501.

When does EXT Jurisdiction commence?

- What does "adjudicated delinquent mean" ?
- Is it at plea or disposition?
- What happens if juvenile pleads and adult no shows for disposition/sentencing?
- Should this issue be litigated? Legislated?



iCIS grading drop down

Drop Type	Drop
Temporary	A - Petition Filed by Juvenile Court
	A1 - Petition Filed with transfer motion
	B - Disposed by Adult
	B1 - City Court
Ch School	C1 - Unrepeated, no viable delinquent act
	C2 - Unrepeated - delinquent
	C3 - No likelihood of repetition
	C4 - Victim requests no prosecution
	C5 - Court/subject's benefit of disposition
	C7 - Juvenile is a Victim of ADJ
	C8 - Petitioned to plea or for testimony in future case
	C9 - Further Investigation Remains Unfinished
	D - Within 3 months of 10th birthday
	E - Petitioned by probation for review
	F - Further investigation requested
	P - First Adult
	R - Changed Original Charge
	S - Community Services prep per CA

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In the Superior Court of the State of Arizona
In and For the County of Maricopa
Juvenile Division

IN THE MATTER OF

Algonquin Ramirez
A Person under the age of 18 years

Case Number: JV01380
File Number: 950645

NOTICE OF INTENT TO RETAIN JURISDICTION

Pursuant to A.R.S. § 8-202(B), the State gives notice of intent to retain jurisdiction until the juvenile's 18th birthday in the above-captioned and numbered matter.

PETITION FILED: June 28, 2018
(Incorporated by Reference Herein)

Respectfully submitted this ____ day of _____, 2018.

William G. Montgomery
Maricopa County Attorney
Petitioner: Wesley G. Todd
Deputy County Attorney

CC: County Attorney
Defense Counsel
Probation Officer

Why 17?

- Terms of Probation shall not exceed one year without unless specific circumstances apply under ARS 8-341 (B).
- 8-341 (N) Notwithstanding any law to the contrary, if a person is under the supervision of the court as an adjudicated delinquent juvenile at the time the person reaches eighteen years of age, treatment services may be provided until the person reaches twenty-one years of age **if the court, the person and the state agree** to the provision of the treatment and a motion to transfer the person pursuant to section 8-327 has not been filed or has been withdrawn. The court may terminate the provision of treatment services after the person reaches eighteen years of age if the court determines that any of the following applies:
 1. The person is not progressing toward treatment goals.
 2. The person terminates treatment.
 3. The person commits a new offense after reaching eighteen years of age.
 4. Continued treatment is not required or is not in the best interests of the state or the person.

Factors to Consider

- Seriousness of Crime
- Current age
- Age of Crime
- Prior history
- Level of services needed
- Prior FTAs



CHARGING

- The Notice of Extended Jurisdiction is filed at the time of charging.
 - State can consider all factors at the start of the case review.
 - To give adequate notice to the juvenile and to the defense that services may extend until his/her 19th birthday.
 - If not enough time to take to trial and juvenile does not want to plead there is the option of dismissing and litigating in adult court.

Please Notice This



MCAO Filings

1. Emily	10440	10/1/00	PCD	85311	Harrison	Pled Summary Probation 12/1/00 J. completing NA and handling le calence
2. Orion	11051	11/12/00	PCD	85304	Yost	Pled MCO 18 Pending Dispo
3. Javada	114019	8/18/00	Shoplift	85302	Smith	Pled Summary Probation 6/9/18 Fine plus Law Awareness Home Study Packet J attending School
4. Felix	111845	9/14/01	Sex Conduct	85338	Washington	Pending PAC
5. Nathaniel	114077	9/20/00	PCRD	85249	Brame	Pled Dispo 9/14/18 Summary Probation Obsessive Act Drug CI and 4 clean UAs J wants to enter military

EXT 19 Continued

6. Leslie	113777	10/5/00	PCD	85298	Glakakis	Pled Dispo Summary Probation
7. Brianiz	114006	10/26/00	PCD	85282	Smith	Pled Dispo Summary Prob
8. Asia	112393	11/22/00	Crim Damage	85304	Yost	Pled 9/11 Dispo 10/2/18
9. Jennifer	114007	4/10/01	Child Molest/Sex Abuse	85051	Harrison	PAC pending
10. Nathan	11212	11/28/00	App Assault Teacher	85381	Washington	Pled Dispo 10/2/18
11. Brandon	11195	11/8/00	Sex Conduct	85225	Brame	Pending advisory
12. Trent	11195	11/8/00	Criminal Damage	85040	Smith	Pending advisory
13. Carter	114061	10/7/00	Assault DV Criminal Trespass	85207	Brame	Pled Dispo Summary
14. Luis	113810	11/1/00	Shoplift	85301	Washington	Dismissed J warranted at advisory & no show diversion

Plea Language

• PURSUANT TO A.R.S. §8-202(H), THE STATE FILED A NOTICE OF INTENT TO RETAIN JURISDICTION OVER THE JUVENILE. THE COURT SHALL RETAIN JURISDICTION OVER THE JUVENILE UNTIL THE JUVENILE REACHES NINETEEN (19) YEARS OF AGE, UNLESS JURISDICTION IS TERMINATED BY ORDER OF THE COURT BEFORE THE JUVENILE'S NINETEENTH (19TH) BIRTHDAY OR THE JUVENILE IS DISCHARGED FROM THE JURISDICTION OF THE DEPARTMENT OF JUVENILE CORRECTIONS PURSUANT TO SECTION 41-2820 BEFORE THE JUVENILE'S NINETEENTH (19TH) BIRTHDAY.

• PURSUANT TO A.R.S. §§ 8-202(H) AND 8-341(B), THE PERIOD OF PROBATION MAY CONTINUE UNTIL THE JUVENILE'S NINETEENTH (19TH) BIRTHDAY.

Adult Probation Terms

- Once a juvenile reaches the age of 18, he/she is no longer under the care, custody and control of parent, guardian or DCS.
- Are dual probation terms in place for these hybrid youth ?



Adult Service Providers

- Diversion Services are not available
 - Post Filing Dismissal Agreements if time allotted
- Residential Treatment Centers
 - Do they provide services over 18?
- Detention
 - Sight and Sound Separation



Concerns, Issues

- MCAO "D" grades or all youth within 3 months of 18th birthday cannot be filed upon due to administrative processing constraints
 - Expedited process possibilities for more inclusion
- How can citations be best managed?
- How have numbers impacted CA caseloads and Probation resources?



Restitution Issues

- Under ARS 8-344 (D), a civil judgment is ordered for any unpaid restitution balance upon attaining age 18.
- This statute was not changed as a result of EXT JUR.
- How does this impact prosecution and management of these cases?



Questions & Suggestions....



Feel free to contact me

- Beth Beringhaus
- Division Chief Juvenile Crimes
- Maricopa County Attorney's Office
- beringhe@mcao.maricopa.gov
- 602-506-2412

Maricopa County Attorney's Office
Rachel Phipps-Yonas
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Verify information with the original official document filed with the Clerk of the Superior Court

In the Superior Court of the State of Arizona
In and For the County of Maricopa
Juvenile Division

Petition

IN THE MATTER OF

Carlos

Case Number:
File Number:

Age: 17

DOB:

Sex: Male

Initials:

Glendale Police Department

<u>Count #</u>	<u>ARS Code</u>	<u>ARS Description</u>	<u>DR Number</u>	<u>Comp #</u>	<u>Class</u>
CT 01:	13-1410	Molestation of Child		02	F2
CT 02:	13-1405	Sexual Conduct w/Minor Under 15		02	F2

The name and residence of the parents or guardian of said child are:

<u>Name</u>	<u>Relationship</u>	<u>Address</u>
Jessica	Mother	

Said child is in custody at the Maricopa County Juvenile Court Center.

Petitioner this Thursday, November 29, 2018, alleges that said child is delinquent.

Maricopa County Attorney's Office
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Verify information with the original official document filed with the Clerk of the Superior Court

In the Superior Court of the State of Arizona
In and For the County of Maricopa
Juvenile Division
Petition

IN THE MATTER OF

Carlos
A Person under the age of 18 years

Case Number:
File Number:

Count 01:

Carlos, on or about the 25th day of November, 2018, while at or near
in the City of Glendale, Maricopa County, Arizona, intentionally or knowingly molested, a child
under the age of fifteen years, engaging in sexual contact with in violation of A.R.S. §§ 13-1401,
13-1410, 13-3821, 13-610, 13-705, 8-202, 8-341, 12-116.09, 13-701, 13-702, and 13-801

Count 02:

Carlos Luna, on or about the 25th day of November, 2018, while at or near
in the City of Glendale, Maricopa County, Arizona, intentionally or knowingly engaged in sexual intercourse or
oral sexual contact with who was a minor under the age of fifteen years, in violation of A.R.S. §§
13-1401, 13-1405, 13-3821, 13-610, 8-202, 8-341, 12-116.09, 13-701, 13-702, 13-705 and 13-801.

Maricopa County Attorney's Office
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Verify information with the original official document filed with the Clerk of the Superior Court

In the Superior Court of the State of Arizona
In and For the County of Maricopa
Juvenile Division
Petition

IN THE MATTER OF

Carlos
A Person under the age of 18 years

Case Number: .
File Number:

Wherefore, petitioner prays that the Court hear and determine this cause and make such judgment pursuant to law as the welfare of said child and interest of the State may require.

Petitioner

Rachel Phipps-Yonas
Deputy County Attorney

STATE OF ARIZONA
County of Maricopa

Petitioner, being first duly sworn upon oath deposes and says that the petitioner has read the foregoing petition and knows the contents thereof and that the facts contained therein are true and correct to the best of the petitioner's knowledge information and belief.

Petitioner

Rachel Phipps-Yonas
Deputy County Attorney

Subscribed and sworn to before me

this ____ day of _____, 2018.

Commission expires _____

Notary Public in and for the County of Maricopa,
State Of Arizona

Rachel Phipps-Yonas
3131 W Durango St
Phoenix, AZ 85009
Bar ID #: 022645
mcaojuv@mcao.maricopa.gov

CHRIS DEROSE, CLERK
BY *G. Oviedo* DEP
G. OVIEDO, FILED
18 NOV 29 AM 10:55

**In the Superior Court of the State of Arizona
In and For the County of Maricopa
Juvenile Division**

JV

IN THE MATTER OF

Carlos
A Person under the age of 18 years

Case Number:
File Number:

NOTICE OF INTENT TO RETAIN JURISDICTION

Pursuant to A.R.S. §8-202(H), the State gives notice of intent to retain jurisdiction until the juvenile's 19th birthday in the above-entitled and numbered matter.

PETITION FILED:
(Incorporated by Reference Herein)

November 29, 2018

Respectfully submitted this 29 day of November, 2018.

William G. Montgomery
Maricopa County Attorney

Petitioner _____

[Signature]
Rachel Phipps-Yonas
Deputy County Attorney

CC: County Attorney
Defense Counsel
Probation Officer

ARIZONA SUPERIOR COURT
MARICOPA COUNTY, JUVENILE DIVISION

FILED
11/26/18 11:32 AM
CHRIS DEROSE, Clerk
By [Signature]
Deputy

Uniform Conditions of Supervised Juvenile Probation

In the matter of Joshua JV#(s) _____ SWID# _____

The Maricopa County Juvenile Court has ☒ placed or ☐ reinstated me on Supervised Probation beginning on

11/26/18 with an expiration date of 11/26/19.

☐ this initial or Re-instated term of Supervised Probation exceeds 12 months AND the Court has made findings on the record pursuant to A.R.S. section 8-341(B).

☐ this initial or Re-instated term of Supervised Probation extends past the age of 18 AND this term is predicated upon timely and proper invocation of A.R.S. section 8-202(H).

for the offense of Disorderly Conduct ☐ a delinquent act, which would be a:
☐ felony; ☒ misdemeanor if I were an adult or ☐ a probation violation.

for the offense of _____ ☐ a status offense.

I HAVE BEEN ORDERED TO ABIDE BY THE FOLLOWING TERMS AND CONDITIONS OF SUPERVISED PROBATION:

I have been ordered to live with the following person: parents, at the following address _____

I SHALL ALSO OBEY THE FOLLOWING TERMS AND CONDITIONS #1-15 AS ORDERED:

1. I will obey all laws.
2. I will follow the rules of my parents, guardians and the juvenile probation officer (JPO).
3. I will report to my probation officer and I will report any contact with law enforcement to the JPO within 24 hours.
4. I will tell my probation officer of any change of residence, address, and/or phone number within 24 hours.
5. I will not leave: the County of Maricopa and/or the State of Arizona, without written permission from the JPO.
6. I will not use or possess any illegal drugs, toxic substances or vapors. I will not use alcohol or tobacco. I will not abuse any prescription or over the counter medication.
7. I will submit to random or periodic drug or alcohol testing directed by the JPO or the court.
8. I will submit to search and seizure of my person and/or property by an officer of the Court without benefit of a search warrant.
9. I will not have or use a firearm, dangerous, deadly or prohibited weapon.
10. I will not knowingly associate with anyone who is violating the law. I will not associate with anyone who is a known gang member or who has a criminal record without the permission of my probation officer. I will not associate with any of the following persons: _____
11. I will go to school, have no unexcused absences and follow all rules and regulations. OR
12. I will seek and maintain regular full time employment, if legally permitted to do so, and provide a copy of my scheduled work hours to the JPO as directed.
13. I will perform 30 hours of community restitution service as directed by the JPO by 4/1/19.
14. I will abide by the following curfew: Sun.-Thurs: _____ Fri-Sat: _____
15. Other: _____

SPECIAL CONDITIONS (AS APPLICABLE):

- ☒ I will follow all other conditions of probation as ordered by the court and/or JPO.
- ☒ I will attend, participate, make satisfactory progress and complete any treatment program which I am directed or ordered by the court, as follows: as arranged by JPO/parent
- ☐ I will be detained in the Juvenile Detention Facility for _____ days from _____ to _____.
- ☒ In addition to any detention days imposed in the preceding paragraph, I may be detained for 60 days, at the discretion of the JPO and as approved by the Court.
- ☐ I will participate in electronic monitoring for _____ weeks beginning _____.
- ☒ In addition to any electronic monitoring imposed in the preceding paragraph, I may participate in electronic monitoring for 8 weeks, at the discretion of the JPO and as approved by the Court.
- ☐ I will pay any Fines, Fees, Monetary Penalties, or Restitution as ordered by the Court on the Page 3 - Financial Assessment.
- ☒ I will write an apology letter(s) to _____ and give the letter(s) to the JPO by _____.
- ☒ I will write a 2 page essay on the topic of Appropriate boundaries with peers and give it to my PO by _____.
- ☐ I will complete an observation of _____ by _____.
- ☒ Other: Boundary course
may be eligible for early release from probation

ATTACHMENTS ADDED:

- ☐ Juvenile Intensive Probation Addendum ☐ Special Supervision Addendum
- ☐ Financial Assessments - wave
- ☐ Other: _____

RECEIPT AND ACKNOWLEDGMENT: I acknowledge receipt of the conditions of probation and any attachments added. I understand that by not abiding by the conditions of probation I may be arrested, returned to court, and/or committed to the Arizona Department of Juvenile Corrections.

Juvenile

Date

[Signature]
Juvenile Court Judge

11/26/18
Date

Probation Officer

Date

Parent or Guardian

Date

Parent or Guardian

Date

8-202. Jurisdiction of juvenile court

A. The juvenile court has original jurisdiction over all delinquency proceedings brought under the authority of this title.

B. The juvenile court has exclusive original jurisdiction over all proceedings brought under the authority of this title except for delinquency proceedings.

C. The juvenile court may consolidate any matter, except that the juvenile court shall not consolidate any of the following:

1. A criminal proceeding that is filed in another division of superior court and that involves a child who is subject to the jurisdiction of the juvenile court.

2. A delinquency proceeding with any other proceeding that does not involve delinquency, unless the juvenile delinquency adjudication proceeding is not heard at the same time or in the same hearing as a nondelinquency proceeding.

D. The juvenile court has jurisdiction of proceedings to:

1. Obtain judicial consent to the marriage, employment or enlistment in the armed services of a child, if consent is required by law.

2. In an action in which parental rights are terminated pursuant to chapter 4, article 5 or 11 of this title, change the name of a minor child who is the subject of the action. If the minor child who is the subject of the action is twelve years of age or older, the court shall consider the wishes of the child with respect to the name change.

E. The juvenile court has jurisdiction over both civil traffic violations and offenses listed in section 8-323, subsection B that are committed within the county by persons who are under eighteen years of age unless the presiding judge of the county declines jurisdiction of these cases. The presiding judge of the county may decline jurisdiction of civil traffic violations committed within the county by juveniles if the presiding judge finds that the declination would promote the more efficient use of limited judicial and law enforcement resources located within the county. If the presiding judge declines jurisdiction, juvenile civil traffic violations shall be processed, heard and disposed of in the same manner and with the same penalties as adult civil traffic violations.

F. The orders of the juvenile court under the authority of this chapter or chapter 3 or 4 of this title take precedence over any order of any other court of this state except the court of appeals and the supreme court to the extent that they are inconsistent with orders of other courts.

G. Except as provided in subsection H of this section, jurisdiction of a child that is obtained by the juvenile court in a proceeding under this chapter or chapter 3 or 4 of this title shall be retained by it, for the purposes of implementing the orders made and filed in that proceeding, until the child becomes eighteen years of age, unless terminated by order of the court before the child's eighteenth birthday.

H. If the state files a notice of intent to retain jurisdiction when proceedings are commenced pursuant to section 8-301, paragraph 1 or 2, the court shall retain jurisdiction over a juvenile who is at least seventeen years of age and who has been adjudicated a delinquent juvenile until the juvenile reaches nineteen years of age, unless before the juvenile's nineteenth birthday either:

1. Jurisdiction is terminated by order of the court.

2. The juvenile is discharged from the jurisdiction of the department of juvenile corrections pursuant to section 41-2820.

I. Persons who are under eighteen years of age shall be prosecuted in the same manner as adults if either:

1. The juvenile court transfers jurisdiction pursuant to section 8-327.

2. The juvenile is charged as an adult with an offense listed in section 13-501.

EXT 19

Juvenile	F#	DOB	Charge	Zip	JO	Outcome
1. Emily	104	10/3/00	POM	85323	Harmon	Pled Summary Probation 15 hours CS 9/12/18 J completing HS and heading to college
2. Dillon	110	11/12/00	POND (wax)	85304	Yost	Pled /Dispo Summary Probation Attend Drug Court Counseling 30DDD
3. Jamaica	114	9/18/00	Shoplift	85020	Smith	Pled Summary Probation 9/5/18 Fine plus Law Awareness Home Study Packet J attending School
4. Felix	111	6/14/01	Sex Conduct	85338	Washington	Plea to Indecent Exposure Probation until age 19; Sex Offender Treatment 60 DDD Sex Offender Terms DNA, registry deferred
5. Nathaniel	114	9/20/00	POND	85249	Brame	Pled/Dispo

EXT 19

							9/14/18 Summary Probation Observe Adult Drug Ct and 4 clean UAs J wants to enter military
6. Leslie F	113		10/5/00	POM	85296	Gialketsis	Pled/Dispo Summary Probation 6 clean UAs Attend Adult Drug Court Paper on Goals J currently working
7. Beatriz M	114		10/25/00	PDP	85282	Smith	Pled/dispo Summary Probation 10 Hours CS Essay
8. Carter H	114		10/7/00	Crim Tres	85207	Brame	Pled/Dispo Attending High School and working Summary Prob 8 hours CS Essay – Complied
9. Luis	113		11/01/00	Shoplift	85301	Washington	Dismissed J Warranted ; J was not able to be located by Diversion either

EXT 19

10. Asia	112	11/22/00	Crim Damage	85304	Yost	15 days detention. 45 DDD restitution STD Probation
11. Jennifer	114	4/10/01	Child Molest/Sex Abuse	85051	Harmon	Pled pending dispo
12. Nathan	112	11/28/00	Agg Assault Teacher	85381	Washington	Std Prob Take meds Enroll in mental health services for adults 60 DDD JETs deferred
13. Brandon	111	11/06/01	Sex Conduct	85225	Brame	J placed in mental competency
14. Trent	111	11/8/00	Criminal Damage Assault DV	85040	Smith	Substance Abuse Program Standard Probation Juvenile has history of acting out
15. Christopher T	114	11/26/00	POM	85338	Yost	PFDA extended
16. Brody W	114	2/22/01	Sex Conduct		Gialketsis	Juvenile admits to the offenses after parents seek legal advice to the contrary. Parents want protection for their daughter the victim and services for son.
17. Marco L	114	12/31/00	POM	85017	Harmon	PAC 12/21

EXT 19

18. Isaac A	105	1/28/01	PDD	85283	Smith	Dispo 1/3/19
19. Noah B	111	1/3/01	POM	85395	Washington	PAC 12/27
20. Joshua J	114	1/2/01	PSI - Plea to Dis Con	85209	Gialketsis	Standard Probation – boundaries counseling through MMIC Graduating HS this year and working
21. Jacob	112	12/10/00	CD/DC	85298	Smith	J has traumatic brain injury PAC 12/7
22. Brianna	114	1/19/01	POND/PODD	85331	Brame	PAC 11/28
23. Madeline M	114	12/11/00	Shoplift		Gialketsis	Adv 11/29
24. Carlos V	114	8/23/01	Sex Conduct	85281	Brame	PAC 12/19
25. Carlos L	775	3/19/01	Sex Conduct	85338	Yost	PAC 12/6/18